

UNITED STATES DISTRICT COURT

for the

Northern District of California

In re DMCA Subpoena to X Corp.

Plaintiff

v.

Defendant

Civil Action No. 3:24-mc-80326-LB

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: X Corp.

(Name of person to whom this subpoena is directed)

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

SEE ATTACHMENT 1.

Place: By email to: mmartemucci@gammalaw.com; or at
Gamma Law, P.C., attn: M. Martemucci, One
Sansome Street, St. 3500, San Francisco, CA 94104

Date and Time: 1/28/2025 12:00pm

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 01-03-2025

Mark B. Busby
CLERK OF COURT

Felicia Brown

Signature of Clerk or Deputy Clerk

OR

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party)

Starto Entertainment, Inc.

, who issues or requests this subpoena, are:

Marco Martemucci, Gamma Law PC, One Sansome Street, Ste 3500, San Francisco, CA 94104, 415.296.9927,

mmartemucci@gammalaw.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____
_____.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

ATTACHMENT 1

YOU ARE COMMANDED TO PRODUCE AT THE TIME, DATE, AND PLACE SET FORTH IN THE SUBPOENA THE FOLLOWING DOCUMENTS, ELECTRONICALLY STORED INFORMATION, OR OBJECTS, AND TO PERMIT INSPECTION, COPYING, TESTING, OR SAMPLING OF THE MATERIAL:

1. Documents or electronically stored information (ESI) containing identifying information for each X user account associated with each of the URLs listed below (collectively, the “Infringing Accounts”), including without limitation name(s), last known telephone and/or cell phone number(s), any and all email address(es); account number(s); billing information (including, but not limited to, names, telephone number(s), and mailing and billing address(es) of each of all of the payment methods (including, but not limited to, credit cards, bank accounts, and any online payments system), hosting provider(s), server(s), any other contact information and any and all logs of IP address(es), relating to each individual or business entity that operates or owns each of the Infringing Accounts, and each individual or business entity that has hosted content, uploaded content, and/or has contracted with others to upload or host content using the Infringing Accounts, from any and all sources, including without limitation billing or administrative records with timestamps from the time of the registration of each of the Infringing Accounts until the date of this subpoena.
2. All access log information (IP addresses, corresponding port numbers, corresponding dates and times, access type, and corresponding destination IP addresses) relating to each of the Infringing Accounts listed below for the six (6) months immediately preceding the date of this subpoena.

Infringing Accounts:

https://x.com/we__are_starto
https://x.com/_weare_starto
https://x.com/Weare_Starto
https://x.com/official_we_are
https://x.com/WEARE_STARTO24
https://x.com/live_music48827
https://x.com/japantourtv
https://x.com/weare__starto
https://x.com/WEARE_STARTOJPN
https://x.com/were_starto_jp
https://x.com/_WEARESTARTO
https://x.com/Starto_staff

https://x.com/weare_start0
https://x.com/Are_Starto__we_
https://x.com/Wearestarto_f
https://x.com/startofess
https://x.com/We_Ar_StartoJP
https://x.com/superlive_2024
https://x.com/WEARESTARTO_JPN
https://x.com/JPliveFES_1
https://x.com/FansSbs_jp
https://x.com/ArundhatiK110
https://x.com/24MusicJAP28526
https://x.com/StartoWe5
https://x.com/StartoWeare
https://x.com/WeStartoFamily
https://x.com/WEARE_STARTO_
https://x.com/starto_jnp
https://x.com/kikujph
https://x.com/1_WEARE_STARTO
https://x.com/we_are_starto1
https://x.com/JP_STREAMING_24
https://x.com/we_arestarto_jp
https://x.com/TheIdolm46198
https://x.com/starto_jp
https://x.com/starto_are
https://x.com/arestarto
https://x.com/JPSTREAMING_24
https://x.com/Starto_We
https://x.com/moriko_musicfan
https://x.com/streamingl35000
https://x.com/Weare_startos
https://x.com/ArenaNo10038444
https://x.com/MiuNamura
https://x.com/we_are_starto
https://x.com/mariJPan
https://x.com/Starto_Are_We_

https://x.com/TheIdolm15310
https://x.com/Japanbroadcast6
https://x.com/we_are_starto
https://x.com/ANo98011943
https://x.com/JAPANTOKYOLIVE_
https://x.com/JAPAN_OFFI_2024
https://x.com/Arena00Liv85558
https://x.com/We_AreStarto_
https://x.com/StartoAre
https://x.com/Weare_Starto_x
https://x.com/lipi64201278336
https://x.com/we_are_startoo
https://x.com/jonota18
https://x.com/wearestartotv
https://x.com/we_are_startohd
https://x.com/_we_are_starto
https://x.com/official80428
https://x.com/starto_we55680
https://x.com/Rakib257417
https://x.com/StartoWe82377
https://x.com/mkhgdrgh2173920
https://x.com/24live_NCT
https://x.com/60Furusato79
https://x.com/Sovon921642
https://x.com/Live_link2024
https://x.com/24Livestream_jp
https://x.com/Rahman289219
https://x.com/69livestreaming
https://x.com/starto_lets
https://x.com/LIVE241485839
https://x.com/24_stream60509
https://x.com/wearstarto
https://x.com/Startmusic99565
https://x.com/Kingprincejp
https://x.com/artist_2024

https://x.com/jpn_live23_
https://x.com/WEARELetsg139
https://x.com/japanAll80
https://x.com/wearestarto_
https://x.com/broadcast93890
https://x.com/broadcast33842
https://x.com/emi_kajp
https://x.com/golam70752318
https://x.com/onlinetokyo_
https://x.com/onlinetokyotv_
https://x.com/WERSTARTO
https://x.com/L202418465
https://x.com/hikari_jpnews
https://x.com/we_are_startojp
https://x.com/WERSTARTOFICL
https://x.com/JPLIVE847637
https://x.com/fzijpan
https://x.com/budokan_ni82812
https://x.com/broadcast7949
https://x.com/BroadCast17716
https://x.com/Watanab86875
https://x.com/startofor_U
https://x.com/events_2024
https://x.com/sabbir72289105
https://x.com/we_starto
https://x.com/AK_voting
https://x.com/_Japanlive
https://x.com/starto_for_U
https://x.com/KingSuperLiveJP
https://x.com/Startofor_you
https://x.com/streamingJ30
https://x.com/CunXiang47873
https://x.com/DomeTv00
https://x.com/WEARELetsg91787
https://x.com/Popi423624

https://x.com/OshiAkane61873
https://x.com/onlinejapan_
https://x.com/KpopV6509
https://x.com/THESHOWLIV98686
https://x.com/Starto_Japann
https://x.com/we_arre_starto
https://x.com/are_starto
https://x.com/ak_ane_jp
https://x.com/Rabby6133193961
https://x.com/JConcart60318
https://x.com/We_Ar_Starto
https://x.com/we_are_starto
https://x.com/The1st_BDMA
https://x.com/jpliveview1
https://x.com/official_xpjp
https://x.com/musix_anim46129
https://x.com/NArena882383
https://x.com/milkmil64625
https://x.com/AsscJapan
https://x.com/Arena00No
https://x.com/fardin1215894
https://x.com/Malek1117410
https://x.com/WEARELetsg57056
https://x.com/STARTO_JP_X
https://x.com/Alen646590
https://x.com/Sontu87851106
https://x.com/startostaff_
https://x.com/JAPANSP180801
https://x.com/NoArena36535
https://x.com/Bondon413366
https://x.com/Bari50072137
https://x.com/wearestarto_jp
https://x.com/WEARELetsg38472
https://x.com/official_stf_jp